

Adult Day Services Regulation Bill House File 672

Last Action:

House Floor

April 23, 2003

Executive Summary Only

An Act relating to the regulation of adult day services, providing for penalties, and providing an effective date.



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**LEGISLATIVE FISCAL BUREAU
NOTES ON BILLS AND AMENDMENTS (NOBA)**

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 672
ADULT DAY SERVICES REGULATION BILL**

**ESTABLISHMENT OF OVERSIGHT
SYSTEM**

- Requires the Department of Elder Affairs to establish a system for certification, monitoring, and complaint investigation for adult day services programs by administrative rule in consultation with the Department of Inspections and Appeals and affected industry, professional, and consumer groups.

SPECIAL CLASSIFICATIONS

- Permits the Department of Elder Affairs to establish special classifications for adult day service providers and requires the Department of Inspections and Appeals to issue certificates for each classification.

CERTIFICATION REQUIREMENTS

- Prohibits the establishment or operation of an adult day services program without certification and prohibits programs from providing services to clients that require a level or type of service that the program is not certified to provide.
- Requires the Department of Inspections and Appeals to accept voluntary accreditation by a recognized accrediting entity as the basis for certification.
- Prohibits the approval of payment or reimbursement with public funds to any adult day services program that is not certified.

CERTIFICATION FEES

- Requires the Department of Inspections and Appeals to collect adult day services certification fees and requires the fees be deposited into the General Fund.
- Establishes monetary amounts for adult day services certification and related fees.

**CERTIFICATION DENIAL,
SUSPENSION, OR REVOCATION**

- Permits the Department of Inspections and Appeals to deny, suspend, or revoke certification if there has been a substantial or repeated failure on the part of an adult day services program to comply with Chapter 231D, Code of Iowa, or the related administrative rules.

CONDITIONAL CERTIFICATION

- Permits the Department of Inspections and Appeals to issue a conditional certification as an alternative to denial, suspension, or revocation, if the adult day services program demonstrates efforts to comply with the prescribed conditions.
- Prohibits an adult day services program from operating under conditional certification for more than one year.

PUBLIC DISCLOSURE OF FINDINGS

- Requires the Department of Inspections and Appeals to provide final certification compliance findings to the public in a readily available form and place.

PENALTIES AND PROHIBITIONS

- Permits the Department of Inspections and Appeals to assess and collect a monetary penalty from a program that discriminates or retaliates against a client or to revoke the program's certification. Funds collected from penalties are to be deposited into the General Fund.

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 672
ADULT DAY SERVICES REGULATION BILL**

CRIMINAL RECORD CHECKS

- Requires adult day services programs to conduct criminal record checks of employees in compliance with Section 135C.33, Code of Iowa.

LIFE SAFETY

- Requires the State Fire Marshal to adopt rules, in coordination with the Department of Elder Affairs and the Department of Inspections and Appeals, for the certification and monitoring of fire and safety standards for adult day services programs.

TRANSITIONAL PROVISIONS

- Requires adult day services programs that are voluntarily accredited prior to July 1, 2003, to be in compliance with Chapter 231D, Code of Iowa, by June 30, 2004.
- Requires adult day services programs serving two to five persons that are not voluntarily accredited prior to July 1, 2003, to be in compliance with Chapter 231D, Code of Iowa, by June 20, 2005.

REQUIRED REPORT

- Requires the Department of Inspections and Appeals, in consultation with the Departments of Elder Affairs and Public Safety, to submit a report to the General Assembly and the Joint Health and Human Services Appropriations Subcommittee regarding the implementation of the oversight system for adult day services programs by December 31, 2004.

VOLUNTARY ACCREDITATION OF
ADULT DAY SERVICES PROGRAMS
SERVING PERSONS WITH MENTAL
RETARDATION

- Requires the Department of Inspections and Appeals to accept voluntary accreditation for the period of July 1, 2003, to June 30, 2004, as the basis for certification if a program serving persons with mental retardation is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) for personal and social services or by the Council on Quality and Leadership in Supports for Persons with Disabilities prior to July 1, 2003.

SIGNIFICANT CHANGES TO THE
CODE OF IOWA

- Creates Chapter 231D, Code of Iowa, to provide for the regulation of adult day services programs and repeals Section 231.61, Code of Iowa, relating to current regulatory provisions for these programs.
- Amends Section 100.1(6), Code of Iowa, to allow the Fire Marshal to designate a fee to be assessed to facilities required by law to have a plan reviewed for fire safety standards. The Bill requires the fees be deposited into the General Fund.

EFFECTIVE DATE

- Specifies the section of the Bill relating to accepting voluntary accreditation for adult day services programs that serve persons with mental retardation is effective upon enactment.

FISCAL IMPACT

- House File 667 (FY 2004 Health and Human Services Appropriations Bill) appropriates \$800,000 and 6.0 FTE positions to the Department of Inspections and Appeals from the Senior Living Trust Fund for the oversight of assisted living and adult day services programs. Certification fees will be collected and deposited into the General Fund. It is estimated that less than \$100,000 in fees will be collected in FY 2004, if 40 adult day services providers are certified.